

SENATE BILL NO. 493

INTRODUCED BY LARSEN, PERRY, HANSEN, MURPHY, MALEK, T. BROWN, HAMLETT, RIPLEY,
WINDY BOY, ZINKE

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE VIABILITY OF THE MONTANA HORSERACING
INDUSTRY BY ALLOCATING A PORTION OF THE VIDEO GAMBLING MACHINE GROSS INCOME TAX TO
BE USED FOR THE GOOD OF THE EXISTING HORSERACING INDUSTRY; AMENDING SECTION 23-5-610,
MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 23-5-610, MCA, is amended to read:

"23-5-610. Video gambling machine gross income tax -- records -- distribution -- quarterly statement and payment. (1) A licensed machine owner shall pay to the department a video gambling machine tax of 15% of the gross income from each video gambling machine issued a permit under this part. A licensed machine owner may deduct from the gross income amounts equal to amounts stolen from machines if the amounts stolen are not repaid by insurance or under a court order, if a law enforcement agency investigated the theft, and if the theft is the result of either unauthorized entry and physical removal of the money from the machines or of machine tampering and the amounts stolen are documented.

(2) A licensed machine owner shall keep a record of the gross income from each video gambling machine issued a permit under this part in the form the department requires. The records must at all times during the business hours of the licensee be subject to inspection by the department.

(3) For each video gambling machine issued a permit under this part, a licensed machine owner shall, within 15 days after the end of each quarter and in the manner prescribed by the department, complete and deliver to the department a statement showing the total gross income, together with the total amount due the state as video gambling machine gross income tax for the preceding quarter. The statement must contain other relevant information that the department requires.

(4) The department shall, in accordance with the provisions of 17-2-124, forward the tax collected under subsection (3) of this section to the state treasurer for deposit as follows:

(a) 15% of the increase above the amount of tax collected in fiscal year ~~2009~~ 2008 in the state special

1 revenue account provided for in 23-4-304 to be used for the good of the existing horseracing industry; and
2 (b) the remainder in the general fund."

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4 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 2009.

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